



General Assembly

February Session, 2004

***Raised Bill No. 463***

LCO No. 1924

\*01924\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING NATURAL RESOURCES AND  
ENFORCEMENT PROGRAMS OF THE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-107b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2004*):

3 When used in sections 12-107a to 12-107e, inclusive, as amended:

4 (a) The term "farm land" means any tract or tracts of land, including  
5 woodland and wasteland, constituting a farm unit;

6 (b) The term "forest land" means any tract or tracts of land  
7 aggregating twenty-five acres or more in area bearing tree growth [in  
8 such quantity and so spaced as to constitute in the opinion of the State  
9 Forester a forest area and maintained in the opinion of the State  
10 Forester in a state of proper forest condition and such land consists]  
11 that conforms to the forest stocking, distribution and condition  
12 standards established by the State Forester pursuant to subsection (a)  
13 of section 12-107d, as amended by this act, and consisting of (1) one  
14 tract of land of twenty-five or more contiguous acres, which acres may

15 be in contiguous municipalities, (2) two or more tracts of land  
16 aggregating twenty-five acres or more in which no single component  
17 tract shall consist of less than ten acres, or (3) any tract of land which is  
18 contiguous to a tract owned by the same owner [which] and has been  
19 [designated as forest land by the State Forester, provided land  
20 designated by the State Forester as forest land in accordance with  
21 section 12-107d prior to July 1, 1976, shall not be subject to the  
22 provisions of subdivisions (1) to (3), inclusive, of this subsection]  
23 classified as forest land or open space land pursuant to this section;

24 (c) The term "open space land" means any area of land, including  
25 forest land, land designated as wetland under section 22a-30 and not  
26 excluding farm land, the preservation or restriction of the use of which  
27 would (1) maintain and enhance the conservation of natural or scenic  
28 resources, (2) protect natural streams or water supply, (3) promote  
29 conservation of soils, wetlands, beaches or tidal marshes, (4) enhance  
30 the value to the public of abutting or neighboring parks, forests,  
31 wildlife preserves, nature reservations or sanctuaries or other open  
32 spaces, (5) enhance public recreation opportunities, (6) preserve  
33 historic sites, or (7) promote orderly urban or suburban development;

34 (d) The word "municipality" means any town, consolidated town  
35 and city, or consolidated town and borough;

36 (e) The term "planning commission" means a planning commission  
37 created pursuant to section 8-19, as amended;

38 (f) The term "plan of conservation and development" means a plan  
39 of development, including any amendment thereto, prepared or  
40 adopted pursuant to section 8-23, as amended;

41 (g) The term "certified forester" means a practitioner certified as a  
42 forester pursuant to section 23-65h.

43 Sec. 2. Section 12-107d of the general statutes is repealed and the  
44 following is substituted in lieu thereof (*Effective July 1, 2004*):

45     (a) The State Forester may adopt regulations, in accordance with  
46     chapter 54, that establish standards for forest stocking, distribution and  
47     conditions for the evaluation by a certified forester of land proposed  
48     for classification as forest land.

49     (b) A certified forester may evaluate land proposed for classification  
50     as forest land and attest to the qualifications of such land for  
51     classification as forest land, provided such certified forester has  
52     satisfactorily completed training by and obtained a certificate from the  
53     State Forester or his or her designee related to policies and standards  
54     for evaluating land proposed for classification as forest land and, in the  
55     opinion of the State Forester, the certified forester acts in conformance  
56     with such policies and standards.

57     [(a)] (c) An owner of land [may file a written application with the  
58     State Forester for its designation by the State Forester as forest land.  
59     When such application has been made, the State Forester shall examine  
60     such application and, if] seeking classification of such land as forest  
61     land shall employ a certified forester to examine the land to determine  
62     if it conforms to forest stocking, distribution and condition standards  
63     established by the State Forester pursuant to subsection (a) of this  
64     section. If the [State Forester] certified forester determines that [it is  
65     forest land, said] such land conforms to such standards, such forester  
66     shall issue a [triplicate certificate designating it as such, and file one  
67     copy of such certificate in the State Forester's office, furnish one to the  
68     owner of the land and file one in the office of the assessor of the  
69     municipality in which the land is located] report to the owner of the  
70     land pursuant to subsection (g) of this section and retain one copy of  
71     the report.

72     (d) Fees charged by a certified forester for services to examine land  
73     and determine if said land conforms to the standards of forest  
74     stocking, distribution and condition established by the State Forester  
75     shall not be contingent upon or otherwise influenced by the  
76     classification of the land as forest land or the failure of such land to

77 qualify for said classification.

78 [(b) When the State Forester finds that it is no longer forest land, the  
79 State Forester shall issue a triplicate certificate canceling the  
80 designation of such land as forest land, and file one copy of such  
81 certificate in the State Forester's office, furnish one to the owner of the  
82 land and file one in the office of such assessor.]

83 (e) Upon termination of classification as forest land, the assessor of  
84 the municipality in which the land is located shall issue a notice of  
85 cancellation and provide a copy of such notice to the owner of the land  
86 and to the office of the assessor of any other municipality in which the  
87 owner's land is classified as forest land.

88 [(c)] (f) An owner of land [designated as forest land by the State  
89 Forester] may apply for its classification as forest land on any grand  
90 list of a municipality by filing a written application for such  
91 classification accompanied by a copy of the certified forester's report  
92 described in subsection (g) of this section with the assessor thereof not  
93 earlier than thirty days before or later than thirty days after the  
94 assessment date and, if the [State Forester has not cancelled the  
95 designation] assessor determines that the use of such land as forest  
96 land has not changed as of a date at or prior to the assessment date  
97 such assessor shall classify such land as forest land and include it as  
98 such on the grand list, provided in a year in which a revaluation of all  
99 real property in accordance with section 12-62 becomes effective such  
100 application may be filed not later than ninety days after such  
101 assessment date in such year. The approval of a subdivision plan by  
102 the municipality shall not be evidence of a change in use as forest land.  
103 The issuance of a building permit for construction on the land in  
104 furtherance of the subdivision shall be evidence that the land is no  
105 longer being used as forest land.

106 [(d) An application to the State Forester for designation of land as  
107 forest land shall be made upon a form prescribed by the State Forester  
108 and approved by the Commissioner of Environmental Protection and

109 shall set forth a description of the land and such other information as  
110 the State Forester may require to aid in determining whether such land  
111 qualifies for such designation.]

112 (g) A report issued by a certified forester pursuant to subsection (c)  
113 of this section shall be on a form prescribed by the State Forester and  
114 shall set forth a description of the land, a description of the forest  
115 growth upon the land, a description of forest management activities  
116 recommended to be undertaken to maintain the land in a state of  
117 proper forest condition and such other information as the State  
118 Forester may require as measures of forest stocking, distribution and  
119 condition and shall include the name, address and certificate number  
120 of the certified forester and a signed, sworn statement that the certified  
121 forester has determined that the land proposed for classification  
122 conforms to the standards of forest stocking, distribution and  
123 condition established by the State Forester. An application to an  
124 assessor for classification of land as forest land shall be made upon a  
125 form prescribed by such assessor and approved by the Commissioner  
126 of Environmental Protection and shall set forth a description of the  
127 land and the date of the issuance [by the State Forester of the certificate  
128 designating it as forest land] of the certified forester's report and a  
129 statement of the potential liability for tax under the provisions of  
130 sections 12-504a to 12-504e, inclusive. The certified forester's report  
131 shall be attached to and made a part of such application.

132 [(e)] (h) Failure to file an application for classification of land as  
133 forest land within the time limit prescribed in subsection [(c)] (f) of this  
134 section and in the manner and form prescribed in subsection [(d)] (g)  
135 of this section shall be considered a waiver of the right to such  
136 classification on such assessment list.

137 (i) The municipality within which land proposed for classification as  
138 forest land is situated or the owner of such land may appeal to the  
139 State Forester for a review of the findings of the certified forester as  
140 issued in the certified forester's report. Such appeal shall be filed with

141 the State Forester not later than thirty business days after the issuance  
142 of the report and shall be brought by petition in writing. The State  
143 Forester shall review the report of the certified forester and any  
144 information the certified forester relied upon in developing his or her  
145 findings and may gather additional information at his or her  
146 discretion. The State Forester shall render the results of his or her  
147 review of the certified forester's report not later than sixty calendar  
148 days after the appeal was filed.

149 [(f) The municipality within which land designated as forest land by  
150 the State Forester is situated or the owner of land which the State  
151 Forester has refused to designate as such may appeal from the decision  
152 of the State Forester to the superior court for the judicial district within  
153 which such municipality is situated. Such appeal shall be taken within  
154 thirty days after the issuance of the certificate designating such land as  
155 forest land or the refusal to issue such certificate, as the case may be,  
156 and shall be brought by petition in writing with proper citation signed  
157 by competent authority to the adverse party at least twelve days before  
158 the return day. The Superior Court shall have the same powers with  
159 respect to such appeals as are provided in the general statutes with  
160 respect to appeals from boards of assessment appeals.]

161 [(g)] (j) An owner of land aggrieved by the denial of any application  
162 to the assessor of a municipality for classification of land as forest land  
163 shall have the same rights and remedies for appeal and relief as are  
164 provided in the general statutes for taxpayers claiming to be aggrieved  
165 by the doings of assessors or boards of assessment appeals.

166 (k) During the month of June each year the assessor of a  
167 municipality within which land classified as forest land is situated  
168 shall report to the State Forester, in a format prescribed by the State  
169 Forester, the total number of owners of land classified as farm land,  
170 forest land or open space land as of the most recent grand list and a  
171 listing of the parcels of land so classified showing the acreage of each  
172 parcel, the total acreage of all such parcels, the number of acres of each

173 parcel classified as farm land, forest land or open space land, and the  
174 total acreage for all such parcels.

175 Sec. 3. Section 26-40a of the general statutes, as amended by section  
176 2 of public act 03-192 and section 146 of public act 03-6 of the June 30  
177 special session, is repealed and the following is substituted in lieu  
178 thereof (*Effective October 1, 2004*):

179 For the purposes of this section, the following wildlife or any hybrid  
180 thereof, shall be considered as potentially dangerous animals: The  
181 felidae, including, but not limited to, the lion, leopard, cheetah, jaguar,  
182 ocelot, jaguarundi cat, puma, lynx and bobcat; the canidae, including,  
183 but not limited to, the wolf and coyote; [and] the ursidae, including,  
184 but not limited to, the black bear, grizzly bear and brown bear; the  
185 cercopithecidae, including, but not limited to, the baboon and  
186 macaque; the hylobatidae, including, but not limited to, the gibbon or  
187 lesser ape; the pongidae, including, but not limited to, the gorilla,  
188 chimpanzee and orangutan; the alligatoridae, including, but not  
189 limited to, the alligator and caiman; the crocodylidae, including, but  
190 not limited to, the crocodile; the gavialidea, including, but not limited  
191 to, the gavial; the elapidae, including, but not limited to, the cobra and  
192 coral snake; the viperidae, including, but not limited to, the  
193 copperhead, cottonmouth, viper and adder; the crotalidea, including,  
194 but not limited to, the rattlesnake; and the dendrobatidae, including,  
195 but not limited to, poison arrow frogs. No person shall possess a  
196 potentially dangerous animal. Any such animal illegally possessed  
197 may be ordered seized and may be disposed of as determined by the  
198 Commissioner of Environmental Protection. The Department of  
199 Environmental Protection shall issue a bill to the owner or person in  
200 illegal possession of such potentially dangerous animal for all costs of  
201 confiscation, care maintenance and disposal of such animal.  
202 Additionally, any person who violates any provision of this section  
203 shall be guilty of an unclassified misdemeanor and assessed a civil  
204 penalty not to exceed one thousand dollars, to be fixed by the court, for  
205 each offense. Each violation shall be a separate and distinct offense and

206 in the case of a continuing violation, each day's continuance thereof  
 207 shall be deemed to be a separate and distinct offense. The  
 208 Commissioner of Environmental Protection may request the Attorney  
 209 General to institute an action in Superior Court to recover such penalty  
 210 and any amounts owed pursuant to a bill issued in accordance with  
 211 this section. The provisions of this section shall not apply to municipal  
 212 parks, zoos and nature centers, or museums, laboratories and research  
 213 facilities maintained by scientific or educational institutions; to a  
 214 person possessing a Bengal cat certified by an internationally  
 215 recognized multiple-cat domestic feline breeding association as being  
 216 without wild parentage for a minimum of four prior generations  
 217 which cat was registered with the Commissioner of Agriculture and  
 218 Consumer Protection on or before October 1, 1996, provided no such  
 219 cat may be imported into this state after June 6, 1996; or to persons  
 220 possessing animals legally on or before May 23, 1983. In any action  
 221 taken by any official of the state or any municipality to control rabies, a  
 222 Bengal cat shall be considered not vaccinated for rabies in accordance  
 223 with accepted veterinary practice.

224 Sec. 4. Section 26-5 of the general statutes is repealed and the  
 225 following is substituted in lieu thereof (*Effective October 1, 2004*):

226 The Commissioner of Environmental Protection shall appoint such  
 227 number of conservation officers as may be necessary for the efficient  
 228 execution of the duties of the department under section 26-6, as  
 229 amended. The commissioner may supplement the regular conservation  
 230 officer force by appointing as special conservation officer [or as  
 231 patrolman] any employee of the department, any lake patrolman  
 232 appointed under section 7-151b who currently holds a certification as a  
 233 police officer in accordance with section 7-294d, or any sworn federal  
 234 law enforcement officer who is a member of the United States Fish and  
 235 Wildlife Service, the National Oceanic and Atmospheric  
 236 Administration, or the Office of Law Enforcement of the National  
 237 Marine Fisheries Service. Each conservation officer, special  
 238 conservation officer or patrolman shall complete a police training



239 course at the state police training school or an equivalent course  
240 approved by the Commissioner of Public Safety. Special conservation  
241 officers [and patrolmen] who are employees of the department shall be  
242 entitled to the same benefits to which conservation officers are entitled  
243 under the provisions of section 5-142, as amended; and such an  
244 appointment shall be deemed not to be in conflict with any of the  
245 provisions of chapter 67. In addition to their salaries, conservation  
246 officers [,] and special conservation officers [and patrolmen] shall be  
247 reimbursed for all expenses incurred in performance of official duty.

248 Sec. 5. Section 1-217 of the general statutes is repealed and the  
249 following is substituted in lieu thereof (*Effective October 1, 2004*):

250 (a) No public agency may disclose, under the Freedom of  
251 Information Act, the residential address of any of the following  
252 persons:

253 (1) A federal court judge, federal court magistrate, judge of the  
254 Superior Court, Appellate Court or Supreme Court of the state, or  
255 family support magistrate;

256 (2) A sworn member of a municipal police department, [or] a sworn  
257 member of the Division of State Police within the Department of Public  
258 Safety or a sworn law enforcement officer within the Department of  
259 Environmental Protection, including any conservation officer  
260 appointed pursuant to section 26-5;

261 (3) An employee of the Department of Correction;

262 (4) An attorney-at-law who represents or has represented the state  
263 in a criminal prosecution;

264 (5) An attorney-at-law who is or has been employed by the Public  
265 Defender Services Division or a social worker who is employed by the  
266 Public Defender Services Division;

267 (6) An inspector employed by the Division of Criminal Justice;

- 268 (7) A firefighter;
- 269 (8) An employee of the Department of Children and Families;
- 270 (9) A member or employee of the Board of Parole;
- 271 (10) An employee of the judicial branch; or
- 272 (11) A member or employee of the Commission on Human Rights  
273 and Opportunities.
- 274 (b) The business address of any person described in this section  
275 shall be subject to disclosure under section 1-210, as amended. The  
276 provisions of this section shall not apply to Department of Motor  
277 Vehicles records described in section 14-10, as amended.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>

**Statement of Purpose:**

To clarify the definition of "forest land", to allow certified foresters to examine and designate forest land, to prohibit the possession of certain potentially dangerous animals, to authorize the Commissioner of Environmental Protection to appoint certain law enforcement officers as Special Conservation Officers and to prohibit the disclosure of the residential address of sworn law enforcement officers within the Department of Environmental Protection.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*